



Speech by

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Hansard Wednesday, 9 August 2006

OFFENDERS (SERIOUS SEXUAL OFFENCES) MINIMUM IMPRISONMENT AND REHABILITATION BILL

Mr McARDLE (Caloundra—Lib) (8.47 pm): Tonight it gives me pleasure to support the bill introduced by the Leader of the Opposition and to applaud him for taking this step. At the same time the government, as usual when any good idea comes its way, is turning its back on the concept, and for that the government needs to be condemned. The government's inability to endorse a real sentencing option in relation to a dangerous portion of the members of our society that hold the overwhelming majority of our population to ransom by way of fear is equally to be condemned. Of course, we should not be too surprised at the government's stand on this critical issue when one considers its inability to deal adequately with how the criminal justice system interacts with the community.

The real question here, of course, is: how do we protect our children and how do we ensure that the people who are potentially to be released from jail but who pose a real ongoing threat to children are dealt with? The government would simply hide this matter away, whereas the opposition is prepared to introduce and push forward this strong legislation so that our children are protected. One really has to wonder why the government is not prepared to take measures such as this. One really has to wonder why the Beattie government, after all its chest beating, does not have the capacity or—

Mr Lawlor interjected.

Mr McARDLE: Oh, we are awake up the back. How exciting for us! It simply does not have the capacity to push forward with a regime of reform that will provide that protection. When we consider the bill, its principle is basically this, and I believe this is potentially the most important element facing the House and society today: if a person continues to pose a threat if released, then that person cannot be released. This, in essence, contains two facts. The first is perhaps the most important in that it provides protection for our young people from predators who would reoffend upon release. Secondly, it would save the same children and their families years of anxiety, stress and emotional turmoil.

The stated achievements sought in this legislation are, to say the least, commendable and in my opinion deserve the full acknowledgement and recognition of this House. In the Family Court in an earlier existence I had on many occasions a very unpleasant duty to deal with matters involving long-term sexual abuse and saw the impact this had on the children that came before the court and, more importantly, the impact on a whole family membership. I can recall reading reports from psychiatrists and psychologists detailing horrific histories of children being abused over many years. At the same time there was clearly little or no emotion felt by the alleged perpetrator. It is this type of perpetrator and it is this type of offence and the enormous damage that it does to the minds of the children and the young people in our society that inflicts upon them a life of misery and suffering that we are trying to arrest.

If we move aside the politics associated with this matter and purely fight this on the necessity to protect the young and the vulnerable, then the debate would be over within a very short period of time. I can quote from an article entitled 'The experiences of child complainants of sexual abuse in a criminal justice system' by Dr Christine Eastwood and Professor Wendy Patten. It says at page 7 under the title 'The effects of child sexual abuse'—

The short-term and long-term effects described in the literature cover the entire range of emotional, behavioural, sexual, cognitive and psychological symptoms. Although there are a variety of mediating factors that may impact upon the development of negative symptoms, common emotional behavioural and other problems continue to feature prominently in the research literature on child sexual abuse.

Emotional effects include depression, fear, anxiety, anger and shame. Behavioural problems include withdrawal, aggression, inappropriate sexual behaviour and increased sexual risk taking. Physical effects which may result from abuse include headaches, stomach aches and sleep disturbances. The effect of increased sexual risk taking also makes victims of child sexual abuse more vulnerable to sexually transmitted diseases, HIV, AIDS and teenage pregnancy. Sexually abused children may also develop a distorted cognitive view of themselves and the nature of relationships. Effects include extreme distrust of others, self-blame, stigma, self-hatred and self-harming behaviours such as substance abuse, eating disorders, suicide and a subconscious attraction to and revictimisation of abusive partners.

The minister never once mentioned in her speech the suffering of the children, never once referred to the pain and agony that those young people and their families go through. This bill is not purely to focus upon the perpetrator; it is to highlight the necessity to protect the children. When we lose sight of what the true intention of a bill is, we have then lost sight of our true goal. This bill is to protect the young and the vulnerable.

I want to touch on a few comments made by my opposition colleagues. I congratulate them one and all on their contribution. It was magnificent and it clearly came from the heart. They have at their core a real desire to protect the young and the innocent, to protect their own children and their own grandchildren, and for that they are to be applauded. The member for Maroochydore made it quite clear that those who prey and are perpetrators are sickened people. They are sickened in that they do not see that what they have done is wrong, and that is clearly the case in many of these circumstances. This is what this bill is in fact attacking. It is attacking those people who simply do not admit, who do not repent and who do not take the appropriate action to ensure that they do not reoffend.

It is also the member for Maroochydore's comment that dangerous sexual offenders not be released back into the community. Again, that is the exact intention of this bill. That is, that those men—and predominantly they are men—prey upon the young and innocent in our society, and this bill is to ensure that those young people out there, children or grandchildren perhaps of the members of this House, are not preyed upon by those sexual offenders who are not prepared to take the appropriate steps to rehabilitate themselves or who could not be rehabilitated. I also agree with the member for Maroochydore's comment that we need something new and different. We have tried many things in the past, but clearly these issues are ongoing. As we see each day, the papers are full of ongoing matters and people who are reoffending with regard to sexual matters.

The member for Gaven has a long history in dealing with sexual offenders in a prison environment. He made it quite clear that, given his expert medical background, sexual offenders lust for control. That is their primary goal—a control mechanism. They prey on the weak. It is because of people who are not prepared to admit their guilt, who are not prepared to undergo rehabilitation and who are not prepared to move back into society with a new outlook on what their role is that we are putting this bill before the House. The member for Gaven has stated that after many years of working with sexual offenders there is a need to relook at this matter and take new issues on board, take new initiatives.

The member for Gregory spoke with great passion about how he saw the situation in our society. He again emphasised that many of these sexual offenders believed they had done nothing wrong; that they have committed no crime; that they were simply there going through the motions and that they would leave prison at the appropriate time. But that does not resolve the issue facing our society, and that issue is not so much the right of the victim but, equally so, the protection of the children and the protection of the innocent. The balance needs to be struck. Children are innocent. Children are vulnerable. Therefore, they need the protection of this House and a strong system of government and a strong system in corrective services to ensure that daily they can go about their own child-like activities.

We can all remember when we were growing up, without any shadow of a doubt, we would leave home early in the morning and would not be home until late in the afternoon, except maybe for a bite to eat. I do not think there is any parent in this House today who would allow their child to go away for a day on their own or with their friends because of the fear that this small group in our society generates and perpetuates. We are so terrified these days of leaving our children and our grandchildren alone that we do not even allow them to play in the street as we used to do—cricket, tennis and those sorts of games—because of the fear of sexual abuse that exists in our society; the fear that drives children to stay home and play with computer games. That fear is generated by a very small group in our society and it is a fear that this bill attempts to address by ensuring that these men are retained in jail until such time as they have no risk of reoffending.

The member for Gregory also raised a very clear point that the opposition believes strongly in the principle of truth in sentencing. That is a point that we believe in. The community is saying quite clearly to us, 'We need to have these people in jail for a length of time commensurate with what society dictates their

crime requires.' Truth in sentencing is a very strong principle in the opposition camp, and I can assure the House that this bill attempts to put that into effect.

The member for Currumbin raised the point—a very good point—that the statistics between June 2004 and June 2005 show that 353 prisoners have served earlier sentences—an increase of 11 per cent. That certainly highlights the fact that recidivism is still a real problem in our society. She also pointed out that one in five children before turning the age of 18, if I recall correctly, will be sexually assaulted. Those are quite startling statistics. If we accept the statistics that one in five children will be sexually assaulted before the age of 18 years, we as a society need to move down a track that arrests or at least retards that growth. To do so, we need to put in place strong legislation; we need to put in place legislation that will require compliance and also will require compliance to the extent that the threat no longer exists. The member for Currumbin also made the point that we need to refocus our minds on the intent of the bill. The intent is not simply to keep people in prison; it is, in fact, to retain the innocence of the children. That is the underlying principle of this bill.

The member for Burdekin raised a very salient point and her contribution can be highlighted by one sentence: child abuse prevention is better than the cure. That is right. The cure for child abuse in relation to the victim is years of agony, years of suffering and years of pain. That also applies to the family members of the victim. I do not believe there is anybody in this House who would not know of somebody or have knowledge of somebody whose family has not gone through such an emotional upheaval or turmoil. No-one wants that visited upon their neighbours, friends or anybody else in society.

This bill has one simple principle and that is to provide mandatory minimum prison sentences in relation to serious sexual offences, but it couples with that the issue of rehabilitation. The issue of rehabilitation is important because the minister raised the point that under this bill a prisoner simply has to convince the chief executive officer that they are cured and they will be released. Of course that is not correct. What has to occur is that the person has to successfully complete the course and also no longer be a threat. The chief executive officer will of course rely upon the expert advice of medical witnesses and experts to determine if that person has achieved that result.

The minister made the comment that the Beattie government was at the forefront of keeping people of this nature behind bars. There is one clear way that the government can prove that point and that would be simply to support the bill. The minister then listed ongoing legislation that the Beattie government had passed to the current date but, of course, that legislation is only working up to a certain limit. It is now a natural progression leading to this bill that we start looking very seriously at hard legislation that protects those whom it is meant to protect. Access to sexual treatment programs is based upon an admission of guilt, so says the minister. That is not sufficient as far as we are concerned. A prisoner must undertake a rehabilitation course. If the prisoner fails to do so, the prisoner will simply not be released. Again, this is a preventative measure and one that I would have believed this government would have endorsed as being reasonable and rational.

As I said earlier, in her speech the minister forgot one thing: she focused on the perpetrator, but the bill focuses on the innocents. The bill focuses on the child who is subjected to abuse. She forgot to focus on the innocence that is taken from that child and the suffering that then occurs as a consequence of the abuse of an ongoing nature.

I conclude by making this statement: this bill has at its heart the vulnerability of children, the protection of children and the need for children to be looked after and nurtured by society. To try to highlight the perpetrator as the victim, as this government is attempting to do, is a very shallow attempt. In my opinion this bill needs to be supported. I commend the bill to the House.